

# PLANNING COMMISSION STAFF REPORT

Hemingway-Stanley Subdivision Amended (Revised)  
Petition No. 490-07-34 Located Approximately at 607  
North Capitol Park Avenue.

Public Hearing Date: January 9, 2008



Planning & Zoning Division  
Department of Community  
Development

**Applicant:**

Gary Evershed, Lowell Construction Company, representing Ted and Susan Stanley, property owners

**Staff:**

Michael Maloy, AICP, Principal Planner, 535-7118,  
[michael.maloy@slc.gov](mailto:michael.maloy@slc.gov)

**Tax ID:**

09-31-203-026, & 09-31-203-027

**Current Zone:**

FR-3/12,000 Foothills Residential District

**Master Plan Designation:**

Very Low Density 1-4 Units per Gross Acre, Avenues Master Plan Update, adopted July 1987

**Council District:**

District 3, Councilmember Eric Jergensen

**Acreage:**

1.241 (total area)

**Current Use:**

Lot 306 – vacant  
Lot 307 – single-family residential

**Applicable Land Use Regulations:**

- 21A.24.040 FR-3/12,000 Foothills Residential District
- 20.31.090 Standards for Approval of Amendment Petition

**Attachments:**

- A. Revised Subdivision Plat
- B. Original Subdivision Plat
- C. Current Subdivision Plat
- D. Proposed Site Plan
- E. Department Comments

**REQUEST:** The applicant has requested preliminary approval of a subdivision amendment to adjust a common lot line between lots 306 and 307 of the *Hemingway-Stanley Subdivision*. Lot 306 is vacant and lot 307 contains a single-family dwelling. The parcels are located in the FR-3/12,000 Foothills Residential District. The purpose for the amendment is to facilitate the development of a swimming pool and pool house for the existing dwelling located on lot 307. The Planning Commission previously considered a subdivision amendment to combine lots 306 and 307 into a single lot, which petition was denied by the Commission in a split decision (5-2) vote on November 28, 2007.

**PUBLIC NOTICE:** Staff has complied with the following public notice requirements as contained within Section 20.31.120, entitled Planning Commission Hearing:

- B. Notice of the Planning Commission hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter, or its successor, and shall also be posted on the subject property at least fourteen (14) days prior to the scheduled hearing.

**STAFF RECOMMENDATION:** Planning staff recommends the Planning Commission grant preliminary approval of the *Hemingway-Stanley Subdivision Amended* based on compliance with the following zoning standards and conditions of approval:

**Section 21A.24.040.J Maximum Lot Size:**

With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed eighteen thousand (18,000) square feet. *Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards* (italics added for emphasis):

1. The size of the new lot is compatible with other lots on the same block face;
2. The configuration of the lot is compatible with other lots on the same block face; and
3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

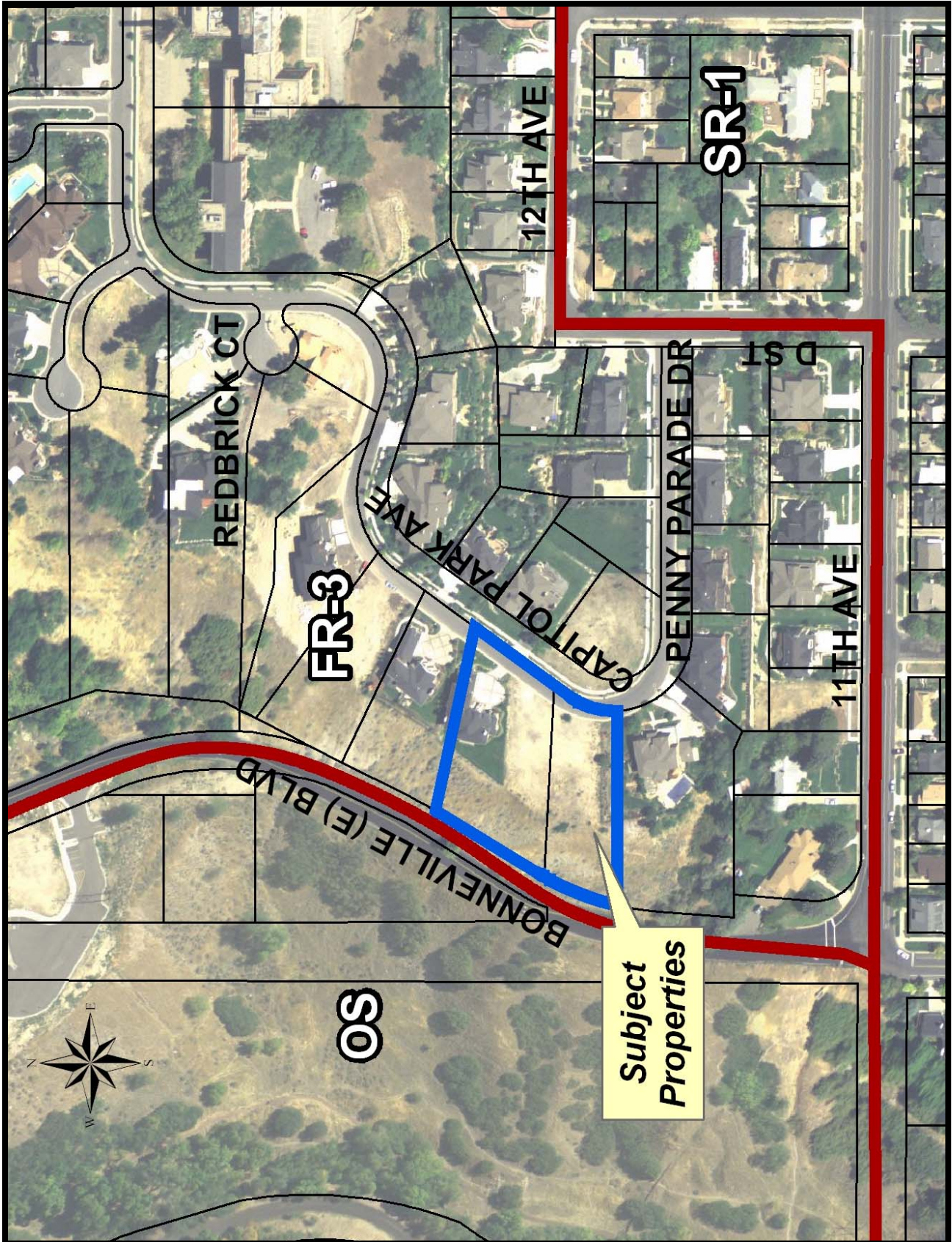
**Conditions of Approval:**

1. Approval is subject to compliance with all departmental comments attached to this staff report (see Attachment E – Department Comments).
2. Applicant shall prepare and submit to the City a final subdivision application and plat.
3. Final subdivision plat shall be recorded within 18 months of preliminary approval.
4. Any future development activities associated with this property will require that all inadequate or absent public improvements be installed. Additionally, any future development will be subject to requirements of the zoning ordinance.

**OPTIONS:** If the Planning Commission determines that the enclosed petition does not meet the requisite standards of approval, then the Commission may chose one of the following courses of action:

- Table the petition for future consideration pending further research, modification, and review; or
- Deny the petition based on additional findings gathered from the public hearing.

VICINITY MAP





## **COMMENTS**

### **Community Council Comments**

Community Council review of a subdivision amendment is not required by City Code. During the Planning Commission's November 28, 2007 public hearing, representatives from the Avenues Community Council did express opposition to a previous proposal to combine lots 307 and 306 into a single lot. However, no Community Council comment has been received on the revised subdivision amendment.

### **Public Comments**

Prior to publication of this staff report, no public comment had been received on the revised subdivision amendment shown in Attachment A – Revised Subdivision Plat. However, Ana Valdemoros, Associate Planner, previously reported to the Planning Commission the receipt of an anonymous telephone call in opposition to the previous subdivision amendment proposal. The anonymous caller claimed that the purpose for the subdivision amendment was not only to have a larger lot now, but to consolidate additional abutting lots in the future. The anonymous caller also claimed that there were rumors that the applicant was planning on building an underground parking structure that would also connect to a lot across the street.

### **City Department Comments**

**Airport:** Mr. David Miller, Airport Principal Planner, replied that the parcels are not in an established Salt Lake City "airport influence zone"; therefore the project does not create any observed impacts to airport operations.

**Building Services:** Mr. Larry Butcher, Development Review Supervisor, indicated that City Code 21A.24.040.G states that "no portion of a lot subdivided after November 4, 1994 shall allow a building to be constructed on any portion of the site that exceeds 30% slope." Therefore Mr. Butcher requested that a new topographical map be provided by the applicant for final subdivision review if preliminary approval is granted by the Planning Commission. Moreover, because the proposed size of lot 307 exceeds 18,000 square feet, the lot must meet the standards found in 21A.24.040.J.

**Engineering:** Mr. Randy Drummond, Engineering III, commented that inasmuch as this is a private street, no Permit to Work in the Public Way will be issued for any required driveway the new structure(s) may require. Mr. Drummond also noted the location of an existing sidewalk on the opposite side of the roadway. Any required changes to the final subdivision plat or engineering drawings would be made known to the applicant's consultant.

**Fire:** Mr. Ted Itchon, Fire Protection Engineer, replied with "no comment" on the proposed subdivision amendment.

**Police:** No comments were provided by the Police Department.

**Public Utilities:** Mr. Jason Brown, Engineer V, stated that if construction occurs on the subject property all plans should be submitted to the Public Utilities Department for review and approval. If the subject property is over two acres or has more than 15,000 square feet of impervious area then a plan for on-site detention and storm water treatment must be submitted to Public Utilities for review and approval. Storm drainage calculations must also be submitted in compliance with Salt Lake City Drainage Regulations.

**Transportation:** Mr. Barry Walsh, Engineering Technician VI, recommended approval of the subdivision amendment provided that “no change to the existing private road way transportation corridor” is implemented, and development plans are compliant with Salt Lake City Corporation design standards.

A more detailed list of department requirements has been provided in Attachment E – Department Comments.

## **Staff Analysis and Findings**

### **Project History**

The *Hemingway-Stanley Subdivision* was recorded in 2002. The three lot subdivision amended lots 304, 305, 306, and 307 of *Capitol Park Planned Development Phase 3 Subdivision* and combined lots 304 and 305 into a single lot, which is presently shown as lot 304 (see Attachment C – Existing Subdivision Plat). Lot 304, which is owned by Henry and Patrice Hemingway, has a single-family residence and a swimming pool.

On November 28, 2007 the Planning Commission considered a previous request from the applicant to combine lots 306 and 307, which are both owned by Ted and Susan Stanley, into a single lot. Following a public hearing the Commission voted 5-2 to deny the subdivision amendment petition.

Following the Commission’s November 28, 2007 split decision, the applicant submitted to the City a revised subdivision amendment request on December 17, 2007. The revised subdivision amendment proposal would adjust the common lot line of lots 306 and 307. If approved, lot 307 would increase in size from 32,373 square feet (0.743 of an acre) to 34,297 square feet (0.787 of an acre). Lot 306 would decrease in size from 21,705 square feet (0.498 of an acre) to 19,781 square feet (0.454 of an acre).

Currently lot 306 is vacant and lot 307 contains a single-family dwelling. The purpose for the subdivision amendment is to develop a swimming pool and pool house on lot 307 adjacent to the Stanley residence (see Attachment D – Proposed Site Plan).

### **Master Plan Discussion**

This subdivision is located within the boundary of the Avenues Master Plan Update, which plan calls for the subject property to remain “very low density” residential (1-4 dwelling units per gross acre). The current use, a single family residence, is compliant with the intent of the Master Plan. Surrounding land uses are comprised of low density single-family dwellings.

### **Standards**

Section 21A.24.050.J of the FR-3/12,000 Foothill Residential District contains specific guidelines for the creation of parcels that would result in a lot larger than 18,000 square feet. The Planning Commission may approve the proposed subdivision amendment if the Planning Commission finds that:

#### **1. The size of the new lot is compatible with other lots on the same block face;**

**Analysis:** The proposed lot sizes would measure 34,297 square feet (0.787 of an acre) and 19,781 square feet (0.454 of an acre). Surrounding lot sizes on the same block face range in area from approximately 11,325 (0.26 of an acre) to 41,425 (0.951 of an acre). The average lot size on the same block face is approximately 21,780 square feet or 0.50 acres.

**Finding:** Staff finds that the sizes of the proposed lots are compatible with other lots because they are within the range of existing lot sizes on the same block face.

**2. The configuration of the lot is compatible with other lots on the same block face; and**

**Analysis:** The configuration of the proposed lots would remain the same, and only the widths of the front and rear property lines would be modified.

**Finding:** Staff finds that the configuration of the proposed lots does not change substantially and even though the front and rear property lines would be modified the configuration of the lots are still compatible with other lots on the same block face.

**3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.**

**Analysis:** The proposed subdivision amendment does not impact existing lot depths, however lot widths for the subject properties would be amended if approved. If approved the lot frontage width of lot 306 would be 80.6 feet and lot 307 would be 136.30 feet. The frontage widths of other lots on the same block face range from 77.95 feet (lot 309) to 221.56 feet (lot 401). The average lot frontage width on the same block face is 116.5 feet.

**Finding:** Staff finds that the relationship of the proposed lot widths and depths to be compatible with other lots on the same block face.

In addition to the above standards, a subdivision amendment petition shall be approved only if it meets all of the requirements contained within Section 20.31.090 of the Subdivision Ordinance of the Salt Lake City Code. The Planning Commission may approve the revised subdivision amendment if the Planning Commission finds that:

**A. The amendment will be in the best interests of the city.**

**Analysis:** The parcels are located in the area covered by the Avenues Master Plan. The Master Plan identifies the area as low density residential. The current use is a single-family residence. The surrounding land uses are single-family residential in nature. The properties surrounding the subject property are also zoned FR-3/12,000 Foothill Residential. The City departments that have submitted comments on the proposed amendment have all recommended approval of the amendment subject to the petitioner adhering to all applicable regulations.

**Finding:** Staff finds that the proposed amendment will be in the best interest of the City based on compliance with approval standards for subdivision amendment for properties within the FR-3/12,000 District.

**B. All lots comply with all applicable zoning standards.**

**Analysis:** The revised subdivision amendment will comply with all applicable zoning standards pending compliance with the conditions of approval recommended on page 1 of this staff report. Furthermore the petition complies with the specific standards of approval found within the following City Code:

**21A.24.040 FR-3/12,000 Foothills Residential District**

**21A.24.040J Maximum Lot Size:** With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the

maximum size of a new lot shall not exceed eighteen thousand (18,000) square feet. *Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards* (italics added for emphasis):

1. The size of the new lot is compatible with other lots on the same block face;
2. The configuration of the lot is compatible with other lots on the same block face; and
3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

**Finding:** Staff finds that the proposed lot line adjustment of the common lot line between lots 306 and 307 does comply with the intent of applicable zoning standards because the area and dimensions of the new lots are compatible with other lots on the same block face.

**C. All necessary and required dedications are made.**

**Analysis:** According to the comments contained within Attachment E – Department Comments, the revised subdivision amendment does not require any dedications to be made.

**Finding:** Since the proposal does not require any dedication of property to the City, this standard is not applicable.

**D. Provisions for the construction of any required public improvements are included.**

**Analysis:** According to the comments contained within Attachment E – Department Comments, the revised subdivision amendment does not require any public improvements.

**Finding:** This subdivision amendment does not require any public improvements.

**E. The amendment complies with all applicable laws and regulations.**

**Analysis:** The applicant requests that the common lot line between lots 306 and 307 be amended to accommodate the development of a swimming pool and pool house. The Zoning Ordinance limits new lots to a maximum of 18,000 square feet unless it can be shown that the proposal meets the standards listed in 21A.24.040.J. As noted within this staff report the proposal does meet these standards.

**Finding:** Staff finds that the proposed *Hemingway-Stanley Subdivision Amended* plat complies with the standards listed in 21A.24.040.J subject to compliance with the recommended conditions of approval contained within this staff report.

**F. The amendment does not materially injure the public or any person and there is good cause for the amendment.**

**Analysis:** Staff has not received any public or departmental comment that is opposed to the revised subdivision amendment proposal. Furthermore the purpose for the amendment, according to the applicant, is to accommodate the development of a swimming pool and pool house which is conducive with the both the Avenues Master Plan Update and applicable Zoning regulations for the subject property.

**Finding:** Staff finds that the subdivision amendment proposal does not materially injure the public or any person and there is good cause for the amendment.









**Attachment D – Proposed Site Plan**

Published Date: January 2, 2008

